

ARTICLE XVI. - BOARDS, COUNCILS, COMMISSIONS AND AUTHORITIES^[28]

DIVISION 1. - GENERALLY

Sec. 2-1851. - Oath.

No member of any board, council, commission, authority or similar body established by the council shall assume office until the member shall have executed and filed with the municipal clerk an oath or affirmation in the following form:

"I swear (or affirm) that I will faithfully and impartially perform the duties imposed upon me by reason of my appointment as an officer or member of (insert here the name of the board, council or commission to which appointed). I have not, in order to influence, my appointment to this position, directly or indirectly, expressly or by implication, promised my vote or support to any person. In all things pertaining to my position, I will be governed by what is my conviction for the public good. I further swear that I will uphold and support the Constitution and laws of the United States, of the State of Georgia and the City of Atlanta. I further swear that I will uphold and support the Ethics Code of the City of Atlanta."

(Code 1977, § 1-1045; Ord. No. 2002-53, § 1, 6-20-02)

Charter reference— Oath required, § 3-401(e).

Sec. 2-1852. - Procedure for the appointment by the full council of individuals or councilmembers to boards, commissions and authorities.

The following procedure shall be used whenever it becomes necessary for the full council to appoint an individual or a council member to a board, commission or authority; provided however, that by two-thirds vote of the total membership of the council, the council may waive the requirements of this ordinance and consider the appointment at the same meeting at which it is introduced, sounded or announced. Action on the appointment shall only require a simple majority vote.

(1) *Notice of vacancy.*

- (a) Whenever a position on a board, commission or authority shall be or becomes vacant, notice of such vacancy shall be submitted in writing to the Municipal Clerk from the city board within 30 business days, who shall then notify the Chair of the Committee on Council, with a copy of said notice being submitted to the president of the city council, within 14 business days of receiving the notice of vacancy.
- (b) Upon receipt of such written notice, the chair of the committee on council shall provide written notice to all council members that nomination of an individual or individuals or when applicable, of a council member or council members shall be submitted to the chair of the committee on council by a specified deadline.
- (c) In the case of council member appointments, a council member may submit her/his own name or the name of another council member, for appointment to any such vacancy.

(2) *Procedure for appointments.*

(a) *One vacancy, one nominee.*

- (i) When only one vacancy and only one nominee has been submitted, the chair of the committee on council shall have a resolution prepared naming that individual or council member for appointment to the vacant position.
- (ii) Said resolution shall be submitted by the chair of the committee on council to the committee of purview. The committee of purview shall introduce, consider,

recommend and refer said resolution to the committee on council for its consideration, recommendation and forwarding to the full council for final action.

(b) *One vacancy, more than one nominee.*

- (i) Should there be only one vacant position and more than one nominee is submitted, the chair of the committee on council shall, prior to the next regularly scheduled meeting of the city council, distribute biographical information and qualifications of all nominees to all council members for consideration at the next regular meeting of the city council, provided however, if the date of the next regular council meeting is less than five business days from the date of the required deadline, all information shall be provided for consideration at the next following regularly scheduled meeting of the city council.
- (ii) At the next regularly scheduled meeting of the city council after distribution of the biographical information and qualification of said nominees, or at the next following regularly scheduled meeting of the city council should the five-day condition set forth in (b) (i) above be applicable, the municipal clerk or deputy municipal clerk shall issue a paper ballot which contains the names of all nominees for said vacant position, to all council members present at said meeting and who have not been excused.
- (iii) Councilmembers shall circle the name of the nominee of her/his choice, sign the ballot and return it to the municipal clerk or deputy municipal clerk. Such ballots shall become a part of the official record for said council meeting.
- (iv) The municipal clerk or deputy municipal clerk shall tally the ballots or cause them to be tallied and announce the results. The nominee receiving the majority of votes shall be recommended for appointment and the chair of the committee on council shall subsequently have a resolution prepared naming that individual or council member for appointment to the vacant position.
- (v) The chair of the committee on council shall submit said resolution to the committee of purview. The committee of purview shall introduce, consider, recommend and refer said resolution to the committee on council for its consideration, recommendation and forwarding to the full council for final action.

(c) *More than one vacancy.*

- (i) Should there be more than one vacant position and more than one nominee is submitted, the chair of the committee on council shall, prior to the next regularly scheduled meeting of the city council, distribute biographical information and qualifications of all nominees to all council members for consideration at the next regular meeting of the city council, provided however, if the date of the next full council meeting is less than five business days from the date of the required deadline, all information shall be provided for consideration at the next following regularly scheduled meeting of the city council.
- (ii) When more than one vacancy exists, the municipal clerk or deputy municipal clerk shall issue a paper ballot which contains the names of all nominees for said vacant positions to all council members present at said meeting and who have not been excused.
- (iii) Council members shall circle the names of the nominees of her/his choice; in correlation to the number of vacant positions, sign the ballot and return it to the municipal clerk or deputy municipal clerk. Such ballots shall become a part of the official record for said council meeting.
- (iv) The municipal clerk or deputy municipal clerk shall tally the ballots or cause them to be tallied and announce the results. The nominees receiving the highest number of votes; in correlation to the number of vacant positions, shall be

accordingly recommended for appointment to the available positions. The chair of the committee on council shall subsequently have a resolution prepared naming those individuals or council members for appointment to the vacant positions.

- (v) The chair of the committee on council shall submit said resolution to the committee of purview. The committee of purview shall introduce, consider, recommend and refer said resolution to the committee on council for its consideration, recommendation and forwarding to the full council for final action.
- (d) *Single nominee failing to receive a majority vote or multiple nominees receiving an equal number of votes.* In the event that a single nominee fails to receive a majority vote of the council members present at the meeting of the city council, or there is a tie among two or more nominees who receive the highest identical number of votes, then a second ballot shall be issued. This ballot process shall be continued until such time as one person receives a majority vote or the tie fails to be broken.
- (e) *Tie failing to be broken initially.*
 - (i) All subsequent ballots shall be comprised of the two or more nominees who received the highest number of votes.
 - (ii) The balloting process shall continue until only two nominees remain, whereupon a final ballot shall be issued.
 - (iii) After the vote is taken, the procedures set forth in (b) (iv) and (v) above, shall then be followed.
- (f) *Tie remaining unbroken.* In the event that the tie still fails to be broken, separate resolutions shall be prepared containing the name of each nominee, which resolutions shall be submitted to the committee of purview for the recommendation of one nominee to said vacant position; with the previously outlined process to be followed accordingly.

(Code 1977, § 1-1046; Ord. No. 2007-21(06-O-1597), § 1, 3-28-07; Ord. No. 2010-11(10-O-0495), § 1, 3-23-10; [Ord. No. 2014-03\(14-O-1002\), § 1, 2-12-14](#))

Sec. 2-1853. - Councilmembers representing city on regional or state boards or commissions.

- (a) Any councilmember who is elected by the city council to represent the city on a regional or state board or commission shall convey the position of the city council as a whole in all instances in which that will has been expressed by ordinance or resolution.
- (b) Minutes of proceedings shall be distributed to members of the council, upon request, by the appointees to regional or state boards or commissions.
- (c) Each member or the council president representing the Atlanta City Council on a board or commission shall make quarterly reports to the committee on council in cooperation with the chair of the committee on council. These include but are not limited to Invest Atlanta, Atlanta Regional Commission, Atlanta-Fulton Library Board of Trustees, Solid Waste Management Authority, Turner Field Redevelopment Task Force, the city's various pension boards, Piedmont Park Conservancy Board of Directors.

(Code 1977, § 1-1051; [Ord. No. 2014-02\(14-O-1001\), § 1, 2-12-14](#))

Sec. 2-1854. - Terms of office for appointments to boards and commissions.

- (a) Unless otherwise indicated in the authorizing legislation of the specific board or commission, all persons appointed to any board, commission, council, authority, or other similar body, pursuant to the authority of Charter Section 3-401, whether such appointments and confirmations occurred before the enactment of this section, shall be limited in consecutive years of service as set forth in this section.
- (b) Upon reappointment of a person who fulfills the unexpired term of a board or commission member who fails to serve a complete term of office, the time served during the unexpired term shall not be charged against such person when determining the maximum number of terms or maximum years of service such person may serve.
- (c) The terms of office, as established in the applicable Code section for each board and commission, and the maximum consecutive number of terms shall be as follows:

Term of Office (years)	Maximum Number of Terms or Consecutive Years of Service
1	8 full terms or eight years
2	4 full terms or eight years
3	3 full terms or nine years
4	2 full terms or eight years

- (d) No person shall serve on more than three boards, commissions, councils, authorities or other similar bodies at the same time.

(Code 1977, § 18-6001; Ord. No. 2007-69(07-O-2131), § 1, 11-14-07; Ord. No. 2008-31(08-O-0998), § 1, 5-27-08)

Sec. 2-1855. - Confirmations by council of department/agency heads and appointments and reappointments to boards, councils, commissions and authorities.

- (a) When required to confirm department/agency heads, the council shall be governed by the following policy.
 - (1) Nominee communications shall be referred to both the committee of purview and the committee on council.
 - a. *Committee of purview.* The committee of purview shall be responsible for the performance expectation/evaluation of the nominee.
 - b. *Committee on council.* The committee on council shall be responsible for all general information on the nominee. This shall include a criminal background, education verification, reference checks, and assurance that the nominee meet minimum code requirements.
 - (i) This policy shall apply to all new appointments and reappointments.

- (ii) No background checks shall be necessary for reappointments.
- (2) Before the council confirmation can begin, the following information shall have been received by the administration:
 - a. Updated resume.
 - b. Statements from higher education institutions certifying that the nominee has completed the indicated coursework that is listed on the resume.
 - c. Statement of physical fitness.
- (3) The president of council, all council members and the municipal clerk shall receive an official appointment letter from the mayor, which shall be accompanied by the documentation noted below:
 - a Documentation to accompany official appointment letter:
 - (i) Copy of the role (job description) posted and used during the selection process;
 - (ii) Written document containing the mission, vision and goals of the department, agency or organization for which the appointee is to be accountable;
 - (iii) Statement of appointee's qualifications (can be incorporated into the official appointment letter);
 - (iv) Resume or vitae of the appointee.
- (4) The municipal clerk shall read the appointment letter into the record as an official communication at the next regularly scheduled meeting of the council.
- (5) The communication shall be referred to the committee of purview and the appointee shall appear before said committee at its next regularly scheduled meeting. The research staff shall send a notice to the council president and to all members of council of the date that the appointee is scheduled to appear before the committee of purview. At such committee meeting, the appointee will be formally presented by the administration. Council members will have an opportunity to direct any questions relevant to the appointment to the candidate and/or the administration's representative(s). If requested by the committee of purview, the appointee shall participate in an executive session. An evaluative questionnaire shall be used by council members as an evaluative guideline for each question. The public will have an opportunity to comment regarding the appointee and ask related questions of committee members.
- (6) At any time after the formal introduction of the appointee and prior to the appointee's appearance before the committee of purview, any council member may provide written questions and/or comments regarding the appointee or the process, to the chair of the committee of purview who shall forward a compilation of the questions and/or comments to the administration at least 24 hours prior to the meeting.
- (7) The administration shall contact each member of council to schedule an individual meeting with the appointee. If the council member so desires an opportunity for dialogue with the candidate, the scheduled meeting may occur at any time after the official appointment letter and the accompanying documents have been submitted to the city council and prior to the appointee's confirmation by council.
- (8) The committee of purview shall consider each appointment and shall forward the communication to the committee on council. Members of the committee on council will have an opportunity to direct questions to the candidate and the administration's representative(s). The public will have an opportunity to comment regarding the appointee and ask related questions of committee members.
- (9) The committee on council shall consider each appointment and may hold the communication in order to complete and/or update information regarding the appointee or may forward the communication to the full council with a favorable, adverse or no recommendation or with a recommendation to file.

- (b) When required to confirm appointments or reappointments to boards, councils, commissions, and authorities, the council shall be governed by the following policy.
- (1) The appointing authority shall submit to the municipal clerk an appointment/reappointment letter, the appointee's biographical information or curriculum vitae, and a contact form (provided by the municipal clerk).
 - (2) The municipal clerk shall read the appointment letter into the record as an official communication at the next regularly scheduled meeting of the council.
 - (3) The communication shall be referred to the committee of purview and the committee on council.
 - (4) The research staff shall send a notice to the appointee informing them that they are required to appear before the committee of purview as part of the confirmation process.
 - (5) The appointee shall appear before the committee of purview and the committee shall consider the appointment and provide a recommendation. The communication shall then be referred to the committee on council where the members of the committee on council shall provide a final recommendation to the full council.

(Ord. No. 1998-66, §§ 1, 2, 9-29-98; Ord. No. 2010-66(10-O-1912), § 1, 11-24-10; Ord. No. 2011-18(11-O-0775), § 1, 5-25-11; Ord. No. 2011-29(11-O-0987), § 1, 7-14-11; [Ord. No. 2018-16\(18-O-1258\), § 1, 5-30-18](#).)

Secs. 2-1856—2-1875. - Reserved.